IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 3797 of 2005

Between:

K. Kumara Swamy, S/o. Narayana,
Singareni Collieries, Godavari Khani, IA incline, R/o. Karimnagar Districtr.

..... PETITIONER

AND

The Project Officer, IK & CH, Mines, The Singareni Colleries Company Limited, Srirampur (P) Area, Adilabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of mandamus directing the respondent to reinstate the petitioner into service by setting aside the orders of the respondents bearing No. SRP/PER/13.008/5743 dt. 27-10-2004 declaring the same to be illegal and arbitrary and grant all consequently benefits thereon.

Counsel for the Petitioner: MR.K.ANANTHA RAO

Counsel for the Respondent: MR.NANDIGAM KRISHANA RAO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the order dismissing him from service, passed by the respondent.

According to the petitioner, disciplinary proceedings were initiated against him for his absence from service. After conducting enquiry, the respondent herein passed orders dismissing the petitioner from service. It is contended by the learned counsel for the petitioner that the extreme punishment of dismissal imposed by the respondents is illegal and without jurisdiction and, therefore, he sought for setting aside the same.

On behalf of the respondent, a counter affidavit is filed opposing the claim of the petitioner and also brining to the notice of this Court that the petitioner has got an effective alternative remedy of appeal to the Deputy General Manager (Personnel) of the respondent-Corporation.

When there is an effective alternative remedy of appeal, it would not be proper for this Court to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

However, in view of the appeal provision, the petitioner is directed to file an appeal within three weeks from today and if such an appeal is presented, the appellate authority is directed to consider the same on merits and dispose of expeditiously.

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13.06.2005

VGB

To

1. The Project Officer, IK & CH, Mines, The Singareni Colleries Company Limited, Srirampur (P) Area, Adilabad.
2. 2CD copies.